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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,931	03/19/2004	Scott E. Jirele	1088.157US02	8212

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EXAMINER

CHAPMAN, JEANETTE E

ART UNIT PAPER NUMBER

3635

DATE MAILED: 03/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center"><b>Office Action Summary</b></p>	<b>Application No.</b> 10/804,931	<b>Applicant(s)</b> JIRELE, SCOTT E.	
	<b>Examiner</b> Chapman E. Jeanette	<b>Art Unit</b> 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 8/31/05.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 12-22 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2,3,23 and 24 is/are allowed.
- 6) ☒ Claim(s) 1 and 4-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)<br>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)<br>3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____.<br>5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)<br>6) <input type="checkbox"/> Other: _____. |
|---|--|

*Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 9-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Martelil (European patent application) (073357). Martelil discloses stackable crates which may be used as stage props. Most crates include a first surface and a plurality of sides extending therefrom to define a partial enclosure in which an object may be stored. Hence, Martelil discloses a modular prop system comprises:

1. a first prop comprises a first surface F which may be used as a stepping surface if turned upside down
2. a plurality of first side surfaces <sup>(P1, P2)</sup> extending from the first surface F
3. a proximal end adjacent surface F
4. a distal end opposite surface F
5. the first surface and the plurality of sides define a first partial enclosure in which objects may be stored
6. the plurality of sides include a first locking member (7,8; 9,10; 12;11,13)
7. a second prop comprises a first surface F which may be used as a stepping surface if turned upside down
8. a plurality of first side surfaces extending from the first surface F
9. a proximal end adjacent surface F

10. a distal end opposite surface F
11. the first surface and the plurality of sides define a first partial enclosure in which objects may be stored
12. the plurality of sides include a first locking member (7,8; 9,10; 12;11,13)
13. the first and second locking members are located at the same distance from the distal ends of the first and second sides such that when the first and first and second side surfaces are proximate each other the first locking member is capable of engaging the second locking member sideways retaining the first and second prop in a stationary relationship with respect to each other; see figures 1 and 3 and the abstract
14. Martelil discloses tongue and slot connectors which may be described as male and female connectors engaging each other but lacks the first locking member having a threaded outer surface and the second locking member having a treaded inner surface; Releasable fasteners are known in the art. Their interchangeable use is also known for the advantage offered by the structure inherently incorporated therein. However, the significance and relevance of use of the recited fastener above others known in the art is not seen. One of ordinary skill in the art would have appreciated the use of any known fasteners and would have selected any one capable of fulfilling the intended use, function and purpose of the prop.
15. the first surface and the plurality of side surface each have inner wall and an outer wall that are oriented in a spaced apart configuration
16. the first locking member is attached to the second to connect the props in a horizontal or perpendicular relationship; see abstract.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-8 and 11 (is/are) rejected under 35 U.S.C. 103(a) as being unpatentable over by Martelil in view of Lewis (5107653). Lewis disclose a plurality of props that may be used as a stage. The same includes first and second props 20 each with a stepping surface 22 and the side surfaces 24/28/30/32. The plurality of side surfaces have different heights. The stepping surface and the side surfaces define a partial enclosure in which any object may be stored. The stepping surface of each prop 20 includes male and female connectors 34/36. The side surface includes male and female connectors 34 and 36. The side surface includes male and female connectors 38 and 40/41. The connectors on the side surfaces join the props in a horizontal and perpendicular relationship. See figures 9-10 and 13-15. Further the stepping surface 22 includes a recess 34 that is to receive the foot 36 for vertically stacking the props. The props include feet 36 extending from the surface opposite the stepping surface. The side surface includes a handle. Most crates include a handle to facilitate stacking. In view of the above, it would have been obvious to one of ordinary skill in the art to modify Martelil to include a foot extending from a distal end of one of the plurality of side to facilitate anchoring the devices properly to a horizontal surface as shown by Lewis. It would have also been obvious to make the crates of various height to store differently sized items.

Claims 2-3 and 23-24 are allowable over the prior art of record.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chapman E Jeanette whose telephone number is 571-272-6841. The examiner can normally be reached on Mon.-Fri, 8:30-6:00, every other fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Friedman Carl can be reached on 571-272-6842. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3635

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Jeanette Chapman  
Primary Examiner